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I, Mitchell Schuster, make the following declaration under penalty of perjury:

1. I am a partner at the law firm of Meister Seelig & Fein (“MSF”), co-counsel for Defendant Lorin Ashton (“Defendant”) in this action and submit this Declaration in support of Defendant’s Motion for an Order compelling each of the Plaintiffs to provide substantive responses to certain requests in Defendant’s First Set of Interrogatories (“Defendant’s Rogs”) and Defendant’s First Request for Admission (“Defendant’s RFA’s”) and all other relief the Court deems just and proper.

2. I make this Declaration based on my own personal knowledge. If called to do so, I could and would testify competently to the facts stated herein.

3. On April 18, 2022, Defendant served each of the Plaintiffs with Defendant’s Rogs and Defendant’s RFA’s. (Attached as **Exhibits A(RR), A(AB), A(JH)** are true and correct copies of Defendant’s Rogs to Plaintiffs Rachel Ramsbottom (“RR”), Alexis Bowling (“AB”), and Jenna Houston (“JH”); Attached as **Exhibits B(RR), B(AB), B(JH)** are true and correct copies of Defendant’s RFA’s to Plaintiffs).

4. On May 18, 2022, each of the Plaintiffs served Defendant with their respective Responses to Defendants’ Rogs and Responses to Defendant’s RFAs. (Attached as **Exhibits C(RR), C(AB), C(JH)** are true and correct copies of Plaintiffs’ responses to Defendant’s Rogs; Attached as **Exhibits D(RR), D(AB), D(JH)** are true and correct copies Plaintiffs responses to Defendant’s RFA’s).

5. On June 17, 2022, Defendant’s counsel e-mailed a letter to Plaintiffs’ counsel detailing, among other things, the issues Defendant has with Plaintiffs’ Responses to Defendant’s Rogs and Responses to Defendant’s RFAs, including Plaintiffs’ FRE 412 objections to At-Issue

Rogs and At-Issue RFAs<sup>1</sup>. (Attached as **Exhibit F** is a true and correct copy of Defendant's counsel June 17, 2022, letter).

6. On July 29, 2022, the parties conducted their first meet-and-confer conference to discuss various outstanding discovery issues, including Plaintiffs' responses to the At-Issue Rogs and At-Issue RFAs (collectively, the "At-Issue Requests").

7. During the July 29th meet-and-confer, Plaintiffs agreed to supplement their response to certain of the At-Issue RFAs. Beyond those requests, Plaintiffs confirmed that they were standing on their aforementioned FRE 412 objections.

8. On August 11, 2022, each of the Plaintiffs served Defendant with their respective Supplemental Responses to Defendant's RFAs. (Attached as **Exhibits E(RR), E(AB), E(JH)** are true and correct copies of Plaintiffs' Supplemental Responses to Defendant's RFA's).

9. On August 12, 2022, the parties conducted a second meet-and-confer conference to discuss various outstanding discovery issues, including Plaintiffs' August 11, 2022, Supplemental Responses to Defendant's RFAs.

10. During this second meet-and-confer the Plaintiffs confirmed that they were continuing to stand on their FRE 412 objections to the At-Issue Requests.

11. On September 22, 2022, the parties conducted a third meet-and-confer conference to discuss various outstanding discovery issues, including Plaintiffs' FRE 412 objections to the At-Issue Requests.

12. The parties were unable to resolve their dispute as to as to this issue during this third meet-and-confer.

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<sup>1</sup> The At-Issue Rogs include Ramsbottom Rog No. 21, Bowling and Houston Rog No. 18; Ramsbottom Rog No. 22, Bowling and Houston Rog No. 19; Ramsbottom Rog No. 23, Bowling and Houston Rog No. 20. The At-Issue RFAs include Ramsbottom, Bowling and Houston RFA No. 4; Ramsbottom RFA Nos. 27, 45, 46; Bowling RFA Nos. 46 and 48; and Houston RFA Nos. 27,47,48,62,63, and 78.

13. On September 28, 2022, the parties participated in a telephone discovery conference with the Court in order to address all outstanding discovery issues, including the parties' disagreement over Plaintiffs' FRE 412 objections to the At-Issue Requests.

14. After the parties presented their respective positions regarding Plaintiffs' FRE 412 objections, the Court granted the parties leave to file the appropriate motions to resolve the dispute and referred the motions to Magistrate Judge Jeffery S. Frensley for disposition.

15. The Court's ruling was memorialized in an Order dated September 28, 2022 (Dkt. No. 122).

Dated: October 14, 2022



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and exact copy of the foregoing was served on the following counsel via the Court's CM/ECF system on this 14th day of October, 2022:

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*s/ Robert A. Peal*